

¶124.33 VETERANS CONVICTED OF FEDERAL CAPITAL CRIMES

On motion of Mr. STUMP, by unanimous consent, the Committee of the Whole House on the state of the Union was discharged from further consideration of the bill of the Senate (S. 923) to deny veterans benefits to persons convicted of Federal capital crimes.

When said bill was considered and read twice.

Mr. STUMP submitted the following amendment in the nature of a substitute which was agreed to:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. DENIAL OF ELIGIBILITY FOR INTERMENT OR MEMORIALIZATION IN CERTAIN CEMETERIES OF PERSONS COMMITTING FEDERAL CAPITAL CRIMES.

(a) PROHIBITION AGAINST INTERMENT OR MEMORIALIZATION IN CERTAIN FEDERAL CEMETERIES.—Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

“§2411. Prohibition against interment or memorialization in the National Cemetery System or Arlington National Cemetery of persons committing Federal or State capital crimes

“(a)(1) In the case of a person described in subsection (b), the appropriate Federal official may not—

“(A) inter the remains of such person in a cemetery in the National Cemetery System or in Arlington National Cemetery; or

“(B) honor the memory of such person in a memorial area in a cemetery in the National Cemetery System (described in section 2403(a) of this title) or in such an area in Arlington National Cemetery (described in section 2409(a) of this title).

“(2) The prohibition under paragraph (1) shall not apply unless written notice of a conviction or finding under subsection (b) is received by the appropriate Federal official before such official approves an application for the interment or memorialization of such person. Such written notice shall be furnished to such official by the Attorney General, in the case of a Federal capital crime, or by an appropriate State official, in the case of a State capital crime.

“(b) A person referred to in subsection (a) is any of the following:

“(1) A person who has been convicted of a Federal capital crime for which the person was sentenced to death or life imprisonment.

“(2) A person who has been convicted of a State capital crime for which the person was sentenced to death or life imprisonment without parole.

“(3) A person who—

“(A) is found (as provided in subsection (c)) to have committed a Federal capital crime or a State capital crime, but

“(B) has not been convicted of such crime by reason of such person not being available for trial due to death or flight to avoid prosecution.

“(c) A finding under subsection (b)(3) shall be made by the appropriate Federal official. Any such finding may only be made based upon a showing of clear and convincing evidence, after an opportunity for a hearing in a manner prescribed by the appropriate Federal official.

“(d) For purposes of this section:

“(1) The term ‘Federal capital crime’ means an offense under Federal law for which the death penalty or life imprisonment may be imposed.

“(2) The term ‘State capital crime’ means, under State law, the willful, deliberate, or premeditated unlawful killing of another

human being for which the death penalty or life imprisonment without parole may be imposed.

“(3) The term ‘appropriate Federal official’ means—

“(A) the Secretary, in the case of the National Cemetery System; and

“(B) the Secretary of the Army, in the case of Arlington National Cemetery.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of such title is amended by adding at the end the following new item:

“2411. Prohibition against interment or memorialization in the National Cemetery System or Arlington National Cemetery of persons committing Federal or State capital crimes.”.

(c) EFFECTIVE DATE.—Section 2411 of title 38, United States Code, as added by subsection (a), shall apply with respect to applications for interment or memorialization made on or after the date of the enactment of this Act.

SEC. 2. CONDITION ON GRANTS TO STATE-OWNED VETERAN CEMETERIES.

Section 2408 of title 38, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

“(d)(1) In addition to the conditions specified in subsections (b) and (c), any grant made on or after the date of the enactment of this subsection to a State under this section to assist such State in establishing, expanding, or improving a veterans’ cemetery shall be made on the condition described in paragraph (2).

“(2) For purposes of paragraph (1), the condition described in this paragraph is that, after the date of the receipt of the grant, such State prohibit the interment or memorialization in that cemetery of a person described in section 2411(b) of this title, subject to the receipt of notice described in subsection (a)(2) of such section, except that for purposes of this subsection—

“(A) such notice shall be furnished to an appropriate official of such State; and

“(B) a finding described in subsection (b)(3) of such section shall be made by an appropriate official of such State.”.

The bill, as amended, was ordered to be read a third time, was read a third time by title, and passed.

By unanimous consent, the title was amended so as to read: “An Act to amend title 38, United States Code, to prohibit interment or memorialization in certain cemeteries of persons committing Federal or State capital crimes.”.

A motion to reconsider the votes whereby the bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendments.

¶124.34 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker’s table and, under the rule, referred as follows:

S. 1024. An Act to make chapter 12 of title 11 of the United States Code permanent, and for other purposes; to the Committee on the Judiciary.

S. 1149. An Act to amend title 11, United States Code, to provide for increased edu-

cation funding, and for other purposes; to the Committee on the Judiciary.

¶124.35 BILLS AND JOINT RESOLUTIONS APPROVED

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

July 18, 1997:

H.R. 173. An Act to amend the Federal Property and Administrative Services Act of 1949 to authorize donation of Federal law enforcement canines that are no longer needed for official purposes to individuals with experience handling canines in the performance of law enforcement duties.

H.R. 649. An Act to amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal a related section of the Federal Energy Administration Act of 1974.

July 25, 1997:

H.R. 1901. An Act to clarify that the provisions of the Federal Tort Claims Act apply to the members and personnel of the National Gambling Impact Study Commission.

H.R. 2018. An Act to waive temporarily the Medicaid enrollment composition rule for the Better Health Plan of Amherst, New York.

August 1, 1997:

H.J. Res. 90. Joint resolution waiving certain enrollment requirements with respect to two specified bills of the One Hundred Fifth Congress.

August 5, 1997:

H.R. 709. An Act to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes.

H.R. 1226. An Act to amend the Internal Revenue Code of 1986 to prevent the unauthorized inspection of tax returns or tax return information.

H.R. 2014. An Act to provide for reconciliation pursuant to subsections (b)(2) and (d) of section 105 of the concurrent resolution on the budget for fiscal year 1998.

H.R. 2015. An Act to provide for reconciliation pursuant to subsections (b)(1) and (c) of section 105 of the concurrent resolution on the budget for fiscal year 1998.

August 11, 1997:

H.R. 584. An Act for the relief of John Wesley Davis.

H.R. 1198. An Act to direct the Secretary of the Interior to convey certain land to the City of Grants Pass, Oregon.

H.R. 1944. An Act to provide for a land exchange involving the Warner Canyon Ski Area and other land in the State of Oregon.

August 13, 1997:

H.R. 1585. An Act to allow postal patrons to contribute to funding for breast cancer research through the voluntary purchase of certain specially issued United States postage stamps, and for other purposes.

August 15, 1997:

H.R. 408. An Act to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes.

September 17, 1997:

H.R. 1866. An Act to continue favorable treatment for need-based educational aid under the antitrust laws.

September 30, 1997:

H.J. Res. 94. Joint resolution making continuing appropriations for the fiscal year 1998, and for other purposes.

H.R. 63. An Act to designate the reservoir created by Trinity Dam in the Central Valley project, California, as “Trinity Lake”.

H.R. 2016. An Act making appropriations for military construction, family housing,